

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 25, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution Directing the
County Manager to Study
The Procedures for Towing
And Storing Motor Vehicles
Damaged in Accidents When
Owner is Critically Injured

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.



Murray A. Greenberg
County Attorney

MAG/dc



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 25, 2006

FROM: Murray A. Greenberg
County Attorney

A handwritten signature in black ink, appearing to read "Murray A. Greenberg", is written over the printed name.

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(6)
04-25-06

Veto _____

Override _____

**RESOLUTION DIRECTING THE COUNTY MANAGER TO
STUDY THE PROCEDURES FOR TOWING AND
STORING MOTOR VEHICLES DAMAGED IN
ACCIDENTS WHERE THE OWNER IS CRITICALLY
INJURED AND MIGHT NOT BE AVAILABLE TO BE
NOTIFIED AS TO THE WHEREABOUTS OF THE TOWED
VEHICLE**

WHEREAS, this Board is aware that there are circumstances where vehicles involved in accidents are towed at the direction of the Miami-Dade Police Department by privately owned towing companies and stored at privately owned storage facilities; and

WHEREAS, these privately owned towing companies and privately owned storage facilities charge for the services that they provide, and under Florida law place liens on the towed vehicle that is the responsibility of the owner to satisfy; and

WHEREAS, in many of these accidents the owner of the towed vehicle is injured in said accident and these injuries prevent the owner from being able to return to his/her place of residence for a substantial period of time; and

WHEREAS, the State of Florida has laws in place governing how, where and when these privately owned towing and storage facilities must notify the owners of the towed vehicle that their vehicle has been towed and is currently being stored and the charges associated with said services; and

WHEREAS, it is the responsibility of the owner of the towed vehicle to contact the storage facility within the time prescribed by law in order to recover their vehicle and pay the towing and storage costs; and

WHEREAS, under Florida law, notification to these owners is directed to their place of residence as indicated on their vehicle registration form and their failure to respond within the time prescribed by law allows the storage facility to sell the stored vehicle at Public Auction to satisfy the cost associated with said service; and

WHEREAS, this Board is concerned that in many cases incapacitating injuries to the owner of the vehicle results in the owner not being at their place of residence during the notification time period due to circumstances beyond their control and their vehicle is sold at Public Auction causing them a substantial economic and personal loss,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, that:

Section 1. The County Manager is hereby directed to study the procedures for towing and find an alternate solution working with public safety departments, i.e. Miami-Dade Fire Rescue and Police Departments in those cases where patient of an accident/victim of a crime, is in a state of coma or mentally or physically incapacitated to respond immediately within the allotted time frame allowed by law to reclaim their vehicle.

Section 2. Explore the possibility of storing those vehicles that meet these criteria in our police impound facility until such patient/victim is able to mentally/physically respond to reclaim their vehicle. This applies to storing motor vehicles damaged in accidents where the owner is critically injured and might not be available to be notified as to the whereabouts of the towed vehicle and to recommend to this Commission within ninety (90) days of this resolution possible changes to forestall the accrual of storages changes.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrian D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of April, 2006. This Resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. K3.D

Kenneth B. Drucker